

**IN THE CIRCUIT AND SUPERIOR COURTS OF JACKSON
COUNTY**

**IN THE MATTER OF
LOCAL RULES
FOR JACKSON COUNTY
INDIANA**

) **Cause No: 36C01-0805-CB-1**
) **Cause No: 36D01-0805-CB-1**
) **Cause No: 36D02-0805-CB-1**

LOCAL RULES ORDER

The Judges of the Jackson Circuit Court and the Jackson Superior Court, pursuant to Trial Rule 80(D), now find good cause exists to deviate from the schedule established by the Division of State Court Administration for posting local rule amendments. The Judges find that the Courts' local rule LR36-AR15-1: Compensation of Court Reporters, should be amended and further find that a new rule with regard to the payment of user fees to the Jackson Circuit Court Clerk, should be added.

The finding of good cause is based upon:

1. The immediate need for transcript page fees to be competitive with surrounding counties, and;
2. The immediate need to insure the collection of user fees, because Jackson County pays no part of the alcohol and drug court services program costs.

The amendment to local rule LR36-AR15-1 requires approval by the Indiana Supreme Court.

Subject to approval by the Indiana Supreme Court, after posting for thirty (30) days in the Jackson County Clerk's Office and on the Indiana Judicial Website, the Judges will enter an effective date for the rule amendments.

Pursuant to Ind. Trial Rule 81(B)(1), the Judges and the Division of State Court Administration will receive public comments. The period for public comment shall be thirty (30) days from the date of posting. Comments should be sent to the Jackson Circuit Court, P.O. Box 315, Brownstown, Indiana 47220 or the Indiana Supreme Court, Division of State Court Administration, 305 Meridian St. Indianapolis, Indiana, 46204.

The proposals are as follows:

LR36-AR15-1: Compensation of Court Reporters

(a) Definitions. The following definitions shall apply under this local rule:

(1) A ***Court Reporter*** is a person who is specifically designated by a court to perform the official court reporting services for the court including preparing a transcript of the record.

(2) ***Equipment*** means all physical items owned by the court or other governmental entity and used by a court reporter in performing court reporting services. Equipment shall include, but not be limited to, telephones, computer hardware, software programs, disks, tapes, and any other device used for recording and storing, and transcribing electronic data.

(3) ***Work space*** means that portion of the court's facilities dedicated to each court reporter, including but not limited to actual space in the courtroom and any designated office space.

(4) ***Page*** means the page unit of transcript which results when a recording is transcribed in the form by Indiana Rule of Appellate Procedure 7.2.

(5) ***Recording*** means the electronic, mechanical, stenographic or other recording made as required by Indiana Rule of Trial Procedure 74.

(6) ***Regular hours worked*** means those hours which the court is regularly scheduled to work during any given work week. Depending on the particular court, these hours may vary from court to court within the county but remain the same for each work week.

(7) ***Gap hours worked*** means those hours worked that are in excess of the regular hours worked but hours not in excess of forty (40) hours per week.

(8) ***Overtime hours worked*** means those hours worked that are in excess of forty (40) hours per week.

(9) ***Work week*** means a seven (7) consecutive day week that consistently begins and ends on the same days throughout the year; i.e. Sunday through Saturday, Wednesday through Tuesday, Friday through Thursday.

(10) ***Court*** means the particular court for which the court reporter performs services. Court may also mean all of the courts in Jackson County.

(11) ***County indigent transcript*** means a transcript that is paid for from county funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(12) ***State indigent transcript*** means a transcript that is paid for from state funds and is for the use on behalf of a litigant who has been declared indigent by a court.

(13) ***Private transcript*** means a transcript, including but not limited to a deposition transcript that is paid for by a private party.

(b) Salaries and Per Page Fees.

(1) Court Reporters shall be paid an annual salary for time working under the control, direction and direct supervision of their supervising court during regular work hours, gap hours or overtime hours. The supervising court shall enter into a written agreement with the court reporters which outlines the manner in which the court reporters are to be compensated for gap and overtime hours; i.e. monetary compensation or compensatory time off regular work hours.

(2) The maximum per page fee a court reporter may charge for the preparation of a county indigent transcript shall be ~~\$3.50~~ \$5.00; the court reporter shall submit a claim directly to the county for the preparation of any county indigent transcripts.

(3) The maximum per page fee a court reporter may charge for the preparation of a state indigent transcript shall be ~~\$3.50~~ \$5.00.

(4) The maximum per page fee a court reporter may charge for the preparation of a private transcript shall be ~~\$3.50~~ \$5.00.

LR36-DN00-3: Criminal Case Fees

The Clerk of the Circuit Court shall apply payments made by or on behalf of a defendant in a criminal case first to alcohol and drug court services program fees, next to probation user fees and then in the order set out by statute.

So Ordered this 29th day of May, 2008.

William E. Vance, Judge
Jackson Circuit court

Bruce Markel III, Judge
Jackson Superior Court 1

Bruce A. MacTavish, Judge
Jackson Superior Court 2